

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TONY C. D'APOLITO,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:18-cv-01581-SI

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Tony C. D'Apolito brought this action seeking review of the Commissioner's final decision denying his application for disability insurance benefits ("DIB") under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on March 16, 2020. Upon remand, the Commissioner found Plaintiff entitled to DIB beginning February 2014, as well as auxiliary benefits for the period from February 2014 through February 2017.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of

counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$14,385.32 in attorney's fees under 42 U.S.C. § 406(b). When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send the full award of \$14,385.32, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 17th day of May 2021.

/s/ Michael H. Simon
MICHAEL H. SIMON
United States District Judge

Proposed Order submitted by:
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